

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

EARL JOHNSON,

Plaintiff

v.

C-1-10-890

CHILLICOTHE CORRECTIONAL
INSTITUTION WARDEN, *et al.*,

Defendants

ORDER

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 8), plaintiff's objections thereto (doc. nos. 10 and 13) and defendants' response (doc. no. 15). The Magistrate Judge concluded that plaintiff failed to state a claim upon which relief could be granted and, therefore, recommended that plaintiff's Complaint be dismissed without prejudice. The Magistrate Judge also declined supplemental jurisdiction over plaintiff's state law claims pursuant to 28 U.S.C. § 1367 and recommended dismissing those claims without prejudice.

Plaintiff objects to the Judge's Report and Recommendation on the grounds that his findings are contrary to law.

CONCLUSION

Upon a *de novo* review of the record, especially in light of plaintiff's objections, the Court finds that plaintiff's objections have either been adequately addressed and properly disposed of by the Judge or present no particularized arguments that warrant specific responses by this Court. The Court finds that the Magistrate Judge has accurately set forth the controlling principles of law and properly applied them to the particular facts of this case and agrees with the Judge.

Accordingly, the Court hereby ADOPTS AND INCORPORATES BY REFERENCE the Report and Recommendation of the United States Magistrate Judge (doc. no. 8). Plaintiff's Complaint is DISMISSED WITHOUT PREJUDICE. This Court declines supplemental jurisdiction over plaintiff's state law claims pursuant to 28 U.S.C. § 1367 and plaintiff's state law claims are DISMISSED WITHOUT PREJUDICE.

The Court CERTIFIES pursuant to 28 U.S.C. § 1915(a)(3) that, for the foregoing reasons, an appeal of any Court Order adopting this Report and Recommendation would not be taken in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601 (6th Cir. 1997).

IT IS SO ORDERED.

s/Herman J. Weber
Herman J. Weber, Senior Judge
United States District Court